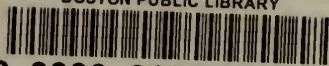


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INTER-OFFICE COMMUNICATION

O'Connell

TO Back Bay Study Committee

FROM Robert Pleshaw

DATE October 23, 1969

SUBJECT REPORT ON CITY POLICY TOWARD BACK BAY DEVELOPMENT

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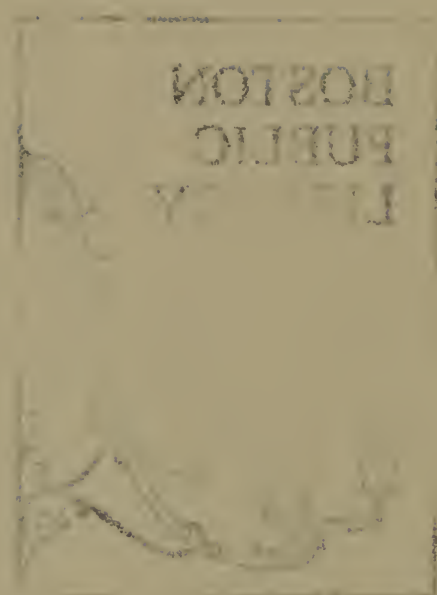
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Attached please find the Report as to be submitted to Mr. Warner.
Please send it over, and contact me if you have any questions.

RP:1
attached





TO: John D. Warner

FROM: BRA Back Bay Study Committee

DATE: October 23, 1969

SUBJECT: PROPOSED CITY POLICY TOWARD BACK BAY DEVELOPMENT

INTRODUCTION

The approach to development planning in the Back Bay has been characterized by two attitudes which seem contradictory. Various Back Bay civic organizations and a minority of the BRA Staff Study Committee believe that new high-rise development is necessary to strengthen and stimulate conservation of the residential area of the Back Bay. On the other hand, the majority of the Study Committee seeks to preserve the Back Bay in its existing form and building facades through rehabilitation. This also suggests attracting the middle and upper middle income families to become owner-occupant tenants or condominium owners of such rehabilitated buildings.

HISTORY

A brief recent history of the Back Bay would be useful in focusing on the problem. In the period between 1930 to 1960, town houses underwent conversion into small, one or two bedroom apartments, rooming houses, and institutional uses. The residential population decreased from approximately 17,000 to around 11,000, while the number of students and other transient occupants increased from approximately 3,000 to over 10,000. The City, in 1964, adopted a new zoning code which removed any height restrictions in the Back Bay, except by height limits implied in F.A.R. requirements. In 1965, the then Mayor was successful in having eight corners on Commonwealth Avenue designated as high-rise sites through an amendment to the "Park Frontage" Ordinance. In addition, the General Plan, published in 1965, further suggested graphically that high-rise development be allowed on one location at each corner of the water side of Beacon Street. The next year, the Back Bay Architectural Commission and the Back Bay Residential District were created to preserve the architectural quality of the area. In 1967, the Back Bay Development Plan was issued. This plan was sponsored by the Back Bay civic groups and the BRA. The study recommended high-rise construction along the water side of Beacon Street (to 200 feet), Arlington Street (to 285 feet), and Charlesgate East (to 200 feet). The Park Frontage Act was retained as formally amended by City Council. A further recommendation was made that efforts should be made to convert and rehabilitate the existing town houses.

The Back Bay Development Plan offered the opinion that high quality rehabilitation is impossible without the impact of new high-rise construction. The Study Committee does not support this assumption. Lastly, in 1969, Mr. Brainard proposed twin towers at the corners of Beacon Street and Dartmouth Street. The first of these buildings would be a one-hundred unit condominium at the northeast corner of Beacon and Dartmouth Streets to rise to a height of approximately 300 feet at its highest point.

PROPERTY VALUES AND REHABILITATION

The Study Committee strongly urges that the BRA adopt a program which would encourage large scale quality rehabilitation. Previous to this study, it had been suggested by various individuals and groups that inasmuch as the area has undergone an economic decline, that only high-rise development could save the area. Nothing could be further from the truth. Our research into property values of the Back Bay show absolutely that the average increase in the market value of property in this area has risen between 9% and 13% per year in the years 1958 to 1968. No residential area of the city, including Beacon Hill has undergone such a marked market increase in property values.

Such increases in value in similar town house areas across the country can be found. Georgetown, Greenwich Village West, Brooklyn Heights and Cobblehill in New York all have undergone rehabilitation of existing town houses. People have discovered the value and livability of these older residential districts in contrast to the newer high-rise apartments. With the current and future office building boom in Boston, there will be a demand for in-town residential living, and it is in the area of Back Bay that it can be satisfied.

ECONOMICS OF REHABILITATION

The major problems facing those who seek to rehabilitate property in the Back Bay are high acquisition costs, high interest rates and costs of rehabilitation. It is these factors, together with the large numbers of schools, institutions and rooming houses which have prevented the restoration of the Back Bay to a highly desirable residential area.

Studies by the Staff Committee indicate that under present conditions quality rehabilitation of town houses is possible for either the resident owner or the private developer at reasonable profit. A resident-owner willing to sacrifice some of his yield from his property in return for longer time residence could expect a 10% to 15% average annual return over the life of his mortgage. A developer interested in a higher return could refinance or sell his property after six to ten years in order to realize a 15% to 30% average annual return.

FEDERAL ASSISTANCE FOR REHABILITATION

Some property owners could also qualify under two Federal programs which might be adopted by the City for the Back Bay area. One is the rehabilitation loan program under Section 312, which provides for direct low interest loans from the Department of Housing and Urban Development for the rehabilitation of residential property. This would require that the area be certified by the City Council as an area in need of rehabilitation. If this were to happen, a property owner could receive a 3% interest loan for twenty years. An owner occupant could receive under this program a maximum amount of \$14,500 per dwelling unit for rehabilitation. There is now in Congress a bill to strike

out provisions relating to income of the owner of the property as a criteria for qualifying under the program. This could further reduce risk and increase property profit potential.

The second method which could be utilized in the Back Bay for rehabilitation of existing properties is the Concentrated Code Enforcement Program now in effect. Under Section 117 of the Housing Act, financial assistance may be authorized in the form of grants to cities for the purpose of carrying out programs to restore the economic and physical stability of neighborhoods. This program is currently in force in part of Dorchester and Jamaica Plain. The program is administered locally by the Commissioner of the Department of Housing Inspection.

CONSEQUENCES OF HIGH RISE DEVELOPMENT

The Study Committee strongly endorses a major emphasis on rehabilitation in contrast to high-rise development for further reasons. It is felt by the Committee that the construction of one high-rise development along the water side of Beacon Street would make it difficult to resist further encroachments on other sites along Beacon Street. Such introduction of high-rise construction may also lead to further pressure to allow high-rise construction on Commonwealth Avenue. The result would be that the area would suffer from a "speculative" fever which does prohibit quality rehabilitation and preservation. The Back Bay Development Plan, if it was carried out, could destroy 33% to 50% of the existing town houses on the northerly side of Beacon Street alone.

The alleged pressure for high-rise development on the water side of Beacon Street may only be a myth. Many of the sites may not even be available. Many of the corner sites are already substantially developed. Many of the corner sites are owned by schools. In fact, there is the possibility that the schools which own many of these choice corner locations would "go high-rise", thus further detracting from the residential quality of the area.

There is also the legal question of the legitimacy of spot-zoning if only corner locations were permitted for high-rise development.

High-rise construction would also introduce a new scale which would not be compatible with the objective of environmental preservation for the area.

The Staff Committee makes the following recommendations for an action policy and program for the continual development of the Back Bay.

POLICY STATEMENT

1. Every effort should be made to encourage a return of the resident owner to the Back Bay. The primary goal of the City in the Back Bay should be to stimulate extensive quality rehabilitation for all properties in the area.
2. Careful control of permitted uses should be exercised which will stabilize and maintain the desirable residential character of the area.
3. Further growth of institutions which jeopardize the residential character of the area should be discouraged.

PROGRAM RECOMMENDATIONS

1. Repeal the amendment to the Park Frontage Ordinance which allows high-rise development on eight Commonwealth Avenue corner sites.
2. Set Zoning Code height limits on the following streets:
 - A) Marlboro Street
Its continuity and residential character should be retained through the 70/90' (ie. 70 foot parapet height, 90 foot roof height) height restriction.
 - B) Commonwealth Avenue
Amendment to Park Frontage Act should be repealed and supplanted with height restrictions at 70/90'.
 - C) Arlington Street
Recommend the imposition of a 100' building height limit. Minority of the Staff favors twin towers at the corners of Arlington Street and Commonwealth Avenue, but only if it is considered legally proper.
 - D) Beacon Street
The enforcement of a 100' height control limit on the North side of the street, and a 70/90' limit on the South. Minority of the Staff favors twin towers at the corners of the northerly side of Beacon Street at Dartmouth Street, if it is considered legally proper.
 - E) Boylston Street
Recommend a height restriction in the area of 155 to 200 foot range. The blocks fronting on Copley Square from Clarendon to Exeter at 155'. The block between Arlington and Berkeley, and Hereford and Massachusetts Avenue, at 200+ feet.
 - F) Newbury Street
70/90' height restriction. The extension of the jurisdictional boundary of the Back Bay Architectural Commission to include both sides of Newbury Street. (This will become necessary due to the impact of commercial development on Boylston and Newbury Streets.)

G) Massachusetts Avenue
Height of 120'.

H) Charlesgate East
Recommends 200' for this street.

3. Establish regulations permitting approved parking on the Back Bay streets to residents of the area.
4. Strict enforcement of the building codes, safety codes, and health codes in the Back Bay, by either the adoption of the federally funded Code Enforcement Program, or by intensive enforcement by the City.
5. Adoption of a code prohibiting more than three unrelated people living in an apartment.
6. Education uses should be zoned as conditional uses rather than as allowed uses.

CONCLUSION

The Study Committee suggests your careful consideration of the recommendations contained in this memo. It is important to note, however, that even those members favoring high rise development on these sites would not be in favor of such a proposal unless and until a legal certainty is given that such a plan would not be attacked as spot zoning, or be open to other legal interpretation, or lead to other high-rise construction within the residential district.

The majority of the Committee, together with the Boston Landmarks Commission, does not favor high-rise on the northerly side of Beacon Street, or at the corners of Arlington Street and Commonwealth Avenue.

The Boston Landmarks Commission intends to inform you of their position in writing in the near future.

